

AO 91 (Rev. 11/11) Criminal Complaint

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Task Force Officer: Dianna Napier, FBI

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

MARCUS ANGELO SMITH

Case No. Case: 2:22-mj-30005
Assigned To : Unassigned
Assign. Date : 1/4/2022
USA V. SEALED MATTER (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 31, 2018 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
18 U.S.C. § 922(g)

Offense Description
Felon in possession of firearm/ammunition

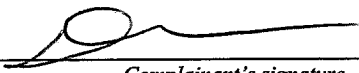
This criminal complaint is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: January 4, 2022

City and state: Detroit, MI


Complainant's signature

Dianna Napier, Task Force Officer, FBI
Printed name and title


Judge's signature

Hon. Jonathan J.C. Grey, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Dianna Napier, a Task Force Officer with the Federal Bureau of Investigation (FBI), Detroit Division, being duly sworn, depose and state as follows:

1. I have been employed as a Wayne State University Police Officer for 12 years and I have been assigned to the Federal Bureau of Investigation (FBI) Violent Gang Task Force (VGTF) as a task force officer since May of 2016. During this time, I have investigated federal violations concerning crimes of violence, firearms, narcotics, and gangs. Throughout my law enforcement career, I have gained experience through everyday work related these investigations. I have specifically investigated cases involving violations of state and federal narcotic and firearms laws and I have received training specific to narcotics trafficking and firearms investigations.

2. I have been conducting an investigation of MARCUS ANGELO SMITH aka "HAKEEM", DOB XX/XX/1972, for various violations of federal criminal law, including violations of 18 U.S.C. § 922(g), felon in possession of firearm/ammunition.

3. During the course of the investigation, I obtained a Detroit Police Department report, which outlined criminal conduct by SMITH, and conducted supplemental interviews of witnesses.

4. In summary, on October 31, 2018, Ronald Johnson went to 15890 Evanston Street, Detroit, Eastern District of Michigan. This was the residence of his friend, Yolanda James. Johnson went to there to pick up and transport Ms. James' son to school. SMITH and his minor child were also present at the residence. Johnson was going to transport SMITH's child to school as well. While Johnson was in his car in the driveway, SMITH exited the residence with a firearm in his hand and approached Johnson's vehicle. SMITH confronted Johnson and told him that he (Johnson) needed to hurry up because SMITH's son needed to get to school early. In response, Johnson told SMITH to discuss the matter with James. SMITH then became angry and produced a handgun and pointed it at Johnson. After pointing the handgun at Johnson, SMITH pointed the handgun in the direction of a vacant house and discharged the firearm. SMITH then retreated into 15890 Evanston Street. Johnson then notified the police of the incident.

5. After learning of the incident, Detroit Police Officers went to 15890 Evanston Street. When they arrived, officers spoke with Yolanda James. Ms. James showed the officers where SMITH was standing when he discharged the firearm. Officers recovered a gold colored Winchester Smith -- Wesson .40 caliber shell casing on the ground in the driveway in that area.

6. SMITH has prior felony convictions that prohibit him from possessing firearms or ammunition. Specifically, a criminal history query revealed that SMITH has the following felony convictions:

- April 2, 1993: Burglary 3rd Degree and Arson Attempt to Burn – Greenville County Circuit Court (South Carolina)
- June 7, 2001: Possession of a Firearm by a Convicted Felon, Aggravated Assault with a Deadly Weapon, and Possession of Firearm or Knife During Commission of or Attempt to Commit Certain Felonies — Fulton County Superior Court (Georgia)
- February 13, 2009: Possession of Tools for Commission of a Crime and Criminal Attempt to Commit a Felony — Dekalb County Superior Court (Georgia)
- July 13, 2017: Arson Prep to Burn Real Property, Domestic Violent — Wayne County Circuit Court (Michigan)

Given these convictions for crimes punishable by imprisonment for more than one year, SMITH is prohibited from possessing firearms and ammunition.

7. Further, SMITH knew that he has been convicted of a crime punishable by imprisonment for a term exceeding one year because Smith actually served more than one year imprisonment on, at least, his 2001 convictions in Georgia, serving time in Rutledge State Prison (GA).

8. On April 7, 2021, ATF Special Agent Jimmie Pharr, an expert in the field of interstate nexus of firearms and ammunition, examined the above-referenced fired shell case, which was marked with Winchester and 40 S&W on the head stamp. S/A

Pharr opined that, based on the physical examination of the ammunition in conjunction with his research, knowledge, and expertise the fired shell case was manufactured by Winchester Ammunition outside the State of Michigan.


9. Based on the forgoing, I believe that there is probable cause to conclude that on October 31, 2018, MARCUS ANGELO SMITH, knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition, said ammunition having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Section 922(g).

Respectfully submitted,



Task Force Officer Dianna Napier
Federal Bureau of Investigation

Sworn to before me and signed in my
presence and/or by reliable electronic means.



HON. JONATHAN J.C. GREY
United States Magistrate Judge

Dated: January 4, 2022